



Authority Meeting

Draft Minutes
19th September 2024

| Version & Date | Comments |
|---------------------------|---|
| Version 0.1 26/09/2024 | 1st set of draft minutes from 19 th June 2024, prepared by F&AM Pepper for internal review |
| Version 0.2 14/10/2024 | Review and amendments by Officers. Circulated to Members for review. |
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Contents

| | |
|---|----|
| Present: | 3 |
| Welcome | 3 |
| Action Items: | 3 |
| 3. To consider and approve the Draft Minutes of the Authority Annual General Meeting held on 20th June 2024 | 3 |
| 4. Matters Requiring Urgent Attention | 4 |
| 5. Questions from the Public | 4 |
| 6. To note the report relating to Governance and Reporting to the Authority | 4 |
| 7. To approve the purchase of IT Equipment | 5 |
| 8. To note the report for Budget Monitoring 2024/25 – Month 4 | 6 |
| 9. Procurement of Drones to support the Authority’s Monitoring and Enforcement Delivery | 7 |
| 10. To consider the introduction of the D&S IFCA’s Managing Absence Policy and Procedure (September 2024) | 9 |
| 11. To note the Byelaw and Permitting Sub-Committee Report (September 2024) | 10 |
| 12. To receive a presentation on D&S IFCA’s Environment work in the North of the District | 11 |
| Date of the next meeting – 12th December 2024 | 11 |

Authority Meeting 19th September 2024

Present:

Chair: Prof. Mike Williams

Vice Chair: Dr Pamela Buchan

Councillors: Phil Twiss (Devon County Council), Tony Williams (South Gloucestershire Council), Alan Preest (Gloucestershire County Council), Andrew Strang (Torrey Council), Dixie Darch (Somerset County Council)

MMO Appointees/ Statutory Members: Dr Emma Bean, Felicity Sylvester*, Simon Toms (Environment Agency), Didi Alayli, Jasmine Rix (Natural England), David Morgan, David Daunders, Guy Baker, Mark Day,

Officers: Simon Excell (Gloucestershire County Council), Jessica Bishop (Devon County Council), Stephen Dury (Somerset County Council)

D&S IFCA Officers: Sarah Clark (Deputy Chief Officer – DCO), Mat Mander (Chief Officer – CO), Olga Pepper (Finance & Administration Manager – F&AM), Neil Townsend (Principal Policy Officer – PPO), Dr James Stewart (Senior Environment Officer)

Public: No members of Public present.

Observing the meeting: Ann Harkness – Moore (Defra), Eleanor Ward (Devon County Council)

**Felicity Sylvester arrived during agenda item 8.*

Welcome

The Chair formally welcomed all to the meeting and thanked them for their attendance.

Action Items:

1. Apologies for absence

F&AM Pepper stated that the following apologies had been received:

Jon Dornom, Wayne Thomas, Jessica Maunder, Simon Thomas, Charlie Ziemann, Ron Peart, Alistair Dewhirst, Stuart Hughes, Neil Smith, Josh McCarty, Annemieke Waite, Peter Lappin, Simon Bunn, Brian Glasson

2. Declarations of Interest

The Chair invited all to bring forward any declarations of interest. There were none. Members were reminded to review their declarations regularly. New Members were reminder to submit their declarations.

3. To consider and approve the Draft Minutes of the Authority Annual General Meeting held on 20th June 2024

The draft minutes from 20th of June 2024 were examined page by page. One spelling error was pointed out.

That the minutes from the Authority Meeting held on 20th June 2024 are a true and accurate record.

Proposed: Cllr Strang Seconded: Dr Emma Bean

In favour: 10

Against: 0

Abstain: 4

4. Matters Requiring Urgent Attention

The Chair briefly consulted with CO Mander, and it was established that there were no Matters Requiring Urgent Attention

5. Questions from the Public

The Chair briefly consulted with CO Mander, and it was established that there were no questions from the Public.

6. To note the report relating to Governance and Reporting to the Authority

CO Mander introduced this Agenda Item. It can be said that there is a theme to today's meeting which is transparency and ensuring opportunities for Members to understand the operations of the Authority enough to challenge the papers prepared by the officers. Agenda Item number 6 was driven by the recent Post Office affair. The Post Office review showed that there was too much reliance on the word of the officials involved without due scrutiny. Organisations like D&S IFCA with a power to prosecute, need that scrutiny and there is a benefit from Members having access to sufficient information. Any improvements can be conducted via the work of the Governance Working Group (GWG). GWG's terms of reference set out any review processes which are in place. In terms of the D&S IFCA's Monitoring and Compliance Strategy, the Authority should review it through the GWG and Annual Plan and the Members' background and expertise can help to improve that process. The Authority's last meeting showed that there was not a lot of support for the GWG amongst the Members.

Another aspect of the Authority's work is the ability to handle personal data and data of any sort appropriately. The officers felt it was right to audit the processes which are in place to do with data management in a way not dissimilar to the annual Health and Safety review and report. PPO Townsend has delivered and monitors various data management solutions internally. The Authority receives Freedom of Information and Request for Environmental Information requests, and it is important that the Members fully understand the processes in place. The MMO Appointees undergo an annual appraisal and through it, they can let the Chair of the Authority know if they feel that they need more information or training. A one-to-one session with a relevant officer could be arranged or a presentation available to all Members, like the one which the officers delivered in May this year to provide training about the Authority's Byelaws. There is a need for the Members to be better informed in terms of the Authority's decision making and governance. CO Mander invited question and comments.

The Chair urged the Members to consider joining the GWG which any Member can do at any time by indicating the intention to CO Mander. Didi Alayli found the paper very useful and wished to clarify who the "Prosecution Agent" is. CO Mander provided an explanation - it is a solicitor, Mr Fred Howell from Howell Hylton, a private law firm which also acts on behalf of Cornwall IFCA and the MMO. CO Mander highlighted the extensive experience that Mr Howell has in terms of fisheries and marine law and added that there are few law firms that specialise in this field. Dr Pamela Buchan, the Chair of GWG, wished to remind all that D&S IFCA is a public Authority and has the responsibility not only to manage its finances appropriately but also to fulfil its Statutory Duties. The work of the GWG is very important to ensure this but the group is struggling with the little support it receives from the Members. The group has been tasked with a review of the Enforcement Strategy which is a complicated and time-consuming task and any involvement from the Members would be appreciated. The Chair echoed this and, again, urged the Members to join. There were no further questions.

7. To approve the purchase of IT Equipment

CO Mander introduced this agenda item. Although the Chief Officer of the Authority has got the power to approve any expenditure in the amount described in the Paper (as per the Financial Probity and Financial and Administrative Regulations) today's meeting is an opportunity to inform the Members about the need to replace any IT equipment and the associated cost. CO Mander felt it was prudent to bring this expenditure to the Members attention. The officers deemed it was fitting to go ahead with the equipment replacement in the current financial year, even though the expiration of Windows 10 operational system is not scheduled until October 2025. This is due to the outcome of a recently conducted internal survey of the IT equipment, which revealed that several of the laptops used by the officers are 6 to 8 years old and have become unreliable. The Month 4 Monitoring Report introduced in Agenda Item number 8 included the relevant expenditure which was one of the reasons for an overspend within the IT budget. The financial year 2025/26 is likely to bring another large IT related item of expenditure, in reference to a main server replacement recommended by the Authority's IT consultant. CO Mander invited comments and questions.

Cllr Twiss thought it was a smart choice to replace the essential equipment without delay and he deemed the price quoted in the officer paper was attractive, as he was able to run a comparison of prices prior to the meeting. Didi Alayli asked if the officers considered three options regarding the procurement of any equipment. CO Mander explained that different options were provided to the officers by the Authority's IT consultant taking into consideration potential savings before the choice was made. The Authority's Financial Probity and Financial and Administrative Regulations say that the Authority will seek best value. Mark Day wanted to know if the officers considered using tablets instead of the laptops when out and about. CO Mander explained that the laptops are for the use as the main computer when working remotely from home, as well as at the office to take part in remote meetings, rather than to be taken out of the office. There were no further questions.

That the Authority agrees with the replacement and upgrade of IT equipment, in FY 2024/2025, as set out in Table 1 in the officer paper.

Proposed: Cllr Twiss Seconded: Simon Toms

In favour: 15

Against: 0

Abstain: 0

8. To note the report for Budget Monitoring 2024/25 – Month 4

The Chair provided an update regarding his discussions with Defra in reference to the Authority's funding issues. Following a series of recent online meetings with Defra, Defra has provided an update in a letter relating to the D&S IFCA's financial situation. The main message in the letter was that Defra's officials are considering D&S IFCA's funding circumstances and structure. The Chair highlighted that time was of the essence due to the approaching meeting of the Authority when the 2025/26 budget setting will be discussed. This meeting is scheduled for 12th December 2024. An AIFCA meeting has been scheduled for 20th September to discuss this year's Spending Review and allocation of any additional funding in the future years. The additional Defra funding received by all the IFCAs for year 2024/25, budgeted for £150,000 has been confirmed to be £10,000 less than initially expected. The Chair wished to highlight the dependence of the Authority on the additional funding; without it the other options include an increase in the levy received from the Local Authorities (including the funds received via New Burden Funding).

CO Mander introduced Agenda Item 8 officer paper. The budget monitoring at month 4 indicates there will be a projected call on general reserves of £8,600. Employee costs are forecast to overspend due to the maternity cover post not being budgeted. The maternity cover in question was agreed by the Authority, although the decision did not translate to budgeting. This cost has been offset by an underspend in environmental research, due to no chartering for the year as well as a temporarily vacant position of the Enforcement Officer. Supplies and Services are projecting an underspend due to a saving in advertising costs, partially offset by additional IT costs. In addition to this, there is an expected reduction in boat costs due to the anticipated sale of Enforcer, D&SIFCA's 6.4m RIB, as well as an increase in income due to bank interest. The Authority is expecting to receive one off grant funding from DEFRA of £140,000, rather than the original £150,000 budgeted for 2024/25. This has been projected in line with the reduction to grant funding received by the Authority in 2023/24. CO Mander invited questions and comments.

Cllr Williams suggested that the Authority should consider budgeting for a maternity cover related cost year on year. Dr Emma Bean was interested in the underspend of the Environmental Research budget. DCO Clark explained that there was no opportunity for D&S IFCA's officers to charter a suitable research vessel from Cornwall IFCA in the current financial year, Cornwall IFCA being a primary contact in terms of the vessel charter. With the winter season approaching, the weather conditions are becoming less favourable. Additionally, the Authority's contact at the Cornwall IFCA has been temporarily transferred to the role of the Acting Chief Officer at the Isles of Scilly IFCA. In terms of chartering the vessels from other organisations, the cost would be too high compared to the vessel hire rates offered to the Authority by Cornwall IFCA.

Felicity Sylvester arrived at the meeting.

CO Mander highlighted that due to the current financial restraints there is no capacity for the Authority to own a research vessel which has a negative impact on the research activities. Mark Day mentioned an opportunity for the D&S IFCA's environmental research work to be undertaken through the chartering of a vessel owned by the South Devon College. He explained that the vessel is 31 feet long with twin engines and can do 24 knots of speed. CO Mander thanked Mark Day for the offer and expressed the view that is good to build relationships with South Devon College and Noss with the superb facilities there.

Simon Excell expressed concerns regarding the lack of progression of Defra's actions to address the Authority's funding structure which was the case long before the General Election. Simon Excell stated that the recent statement from Defra did not fill him with confidence. The Authority needs to know if there is any

additional funding expected for the next financial year. In the past years the receipt of the additional funding was uncertain and late. The amount of the additional funding may influence a need for a significant increase in the Local Authorities' contributions, otherwise a further drawing on the Authority's reserves will be required. Simon Excell asked CO Mander to explain the process prior to the Authority's meeting in December when 2025/26 budget will be discussed to reassure the Local Authorities of how the budget would be set.

CO Mander explained that the officers will meet with the Devon County Council's finance team in early October. Following the meeting, the officers will prepare papers considering the budget setting options which will be shared with the Authority Members during a meeting of the Finance Working Group (FWG) conducted online. CO Mander encouraged all Funding Authorities to attend the FWG meeting where they can provide input and receive updates from the officers, including DCC officers. There will be an opportunity for the FWG to meet more than once if it is deemed necessary. The papers, including any amendment made by the FWG will be presented by the CO Mander to all Members during the meeting in December. The papers will help all to understand the budget setting processes including a potential proposal to increase the Local Authorities' contributions, as well as call on the Authority's reserves. All the aspects of the budget setting will be influenced by this year's Spending Review's result, with the main piece of information being the size of the gap between the levy contributions and the Authority's operational budget for year 2025/26. It is not only the D&S IFCA, other IFCAs are also keen to confirm the timelines of the Spending Review. The meeting with Defra and the AIFCA tomorrow will provide some information about the timeline, however there may be a delay due to the Government's Budget announcement in October. CO Mander highlighted that time is of the essence to ensure the best-informed officer papers for the Authority meeting in December. Cllr Preest wanted to make sure that prior to the meeting on the 20th September between Defra and AIFCA, the Defra's officials have been briefed to address any urgent funding issues. The Chair explained that the meeting in question was a recurring meeting without any special attention dedicated to the IFCA's funding structures, and he was not aware of any ministerial presence, although questions about budget setting are bound to be raised. The Chair reminded all Members that he wrote to the then newly appointed Minister of State at the Department for Environment, Food and Rural Affairs, Daniel Zeichner, about the Authority's financial issues. Cllr Preest offered that he would write a letter to an MP within the Gloucestershire Council and that he would also talk to the Leader of the Council. The Chair encouraged all the Funding Authorities to write to their MPs to explain D&S IFCA's financial situation and confirmed that he and CO Mander would continue to press Defra on this. There were no further questions or comments.

9. Procurement of Drones to support the Authority's Monitoring and Enforcement Delivery

CO Mander introduced this Agenda Item. As part of the review of the Authority's Enforcement and Compliance Strategy the officers have considered the enforcement capability and how monitoring and enforcement can be delivered with the limited resource of only one patrol vessel and five warranted officers. There is a significant risk of the mobile gear fishing fleet entering the Marine Protected Areas in the District. D&S IFCA has the largest mobile gear fleet amongst the IFCAs as well as a significant network of Marine Protected Areas (MPAs). Since 2018, officers have been able to monitor the incursions into the MPAs via the Inshore Monitoring System devices which the Mobile Fishing at Sea permit holders must have installed on board. Another indication of the incursions is via reports of damaged and lost static gear (for example, pots). When D&S IFCA used vessels, a 24m patrol vessel and standalone RIB, to monitor activity the detection rate of illegal incursions was 5% and relied predominately on reports of pot losses to determine the scale of the incursions. CO Mander praised the Enforcement Team for their thoroughness in investigations that has approximately 50% of reports of incursion into MPAs leading to the identity of the vessel or vessels involved and to a successful outcome. Illegal netting in Estuaries is the second highest enforcement risk in

the D&S IFCA District. The same small number of vessels whose owners have been prosecuted by the D&S IFCA for illegal netting, have been known to commit similar fishing offences in the Cornwall IFCA's District and the wider southwest. Detection rates of illegal activity are low despite considerable resources and multi-agency plans and patrols. This is indicated by the landings by these vessels that are considered to have been mainly caught through illegal activity.

CO Mander went on to explain the Marine and Coastguard Agency (MCA) work boat rule changes and how these will affect the operation of the Authority's remaining patrol vessel *David Rowe*. *David Rowe* does not have a rigid wheelhouse; this limits the enforcement capability. However, CO Mander explained that the area out to one nautical mile was by far the busiest fishing area. He would like to see a further roll out of Remote Electronic Monitoring (REM) on all mobile fishing vessels and explained that the results of the trial so far have been very encouraging. CO Mander indicated that the new Mobile Fishing Permit Byelaw and external funding will support the further roll out of REM. CO Mander went on to state that another way to monitor the fishing activities is by the use of drones. Compared to other IFCA's and agencies, D&S IFCA is behind in terms of the application of drones, which are useful as they can cover a large area, along the coast and in estuaries, in various weather conditions at day and night. As per the officer paper, Senior Enforcement Officer Gavin Mayhew had recommended a procurement of a specific type of drone to support the work of the Authority's Enforcement Team. Relevant training will be required for two of the Authority's Enforcement officers. To fund the purchase of the drones, D&S IFCA has submitted a bid for the purchase costs as part of the AIFCA bid for capital asset replacement to Defra. Failing to secure the external funding, funds drawn from the Authority's Capital Reserves would be used for the purchase of the drones which are expected to cost £23,800. The Capital Receipts Reserves currently stands at £85,031. CO Mander opened the floor to questions and comments.

Cllr Darch found the paper interesting and wanted to know if every case considered by the officers is considered by the Courts, and how any funds obtained by the Authority through financial penalties are managed. CO Mander explained that there are various ways to manage offences, and few are considered by the court. Most cases are disposed of through an Official Written Warning. Fixed Administrative Penalty (FAP) could be issued in reference to an offence and if accepted and paid it would mean the end of proceedings. Management of the FAP fund is complicated as the money does not belong to the IFCA's but to the Treasury although there is no mechanism set up for the IFCA's to be able to pay the funds over. For the cases brought before the court, on conviction the Authority is able to recover all or some of its legal cost. Any awarded costs can be used by the Authority. Another option for dealing with offences is a Caution which requires the accused to admit their guilt but does not lead to prosecution in Court. Offer of a Caution can also be a mechanism for recovering the Authority's investigation costs from the fishers.

Mark Day wanted to know if the drones would be only land based, whether they sink and whether the Authority would be able to prosecute based on the images obtained from the drones. CO Mander provided details - yes, the drones will be operated from land and will not be able to operate from the RIB *David Rowe* because of insufficient space on board. There is a potential for a drone to have an ability to float and CO Mander with SEO Mayhew will be exploring this although there are certain limitations to be considered amongst many other aspects relating to policies dealing with safe system of work, health and safety, data protection, no fly areas and others. In reference to the images from drones being sufficient to prosecute, CO Mander assured that this is the case, and it is powerful evidence due to a good quality imagery and accurate positional information. CO Mander stated that in any investigation a matrix of evidence will always be used, including the drone images. The closed areas where the drones can't go should not pose a problem to the Enforcement Team as they will be operated mainly out to sea, where there are far fewer restrictions, covering areas where the patrol vessel cannot go especially in unfavourable weather conditions. The patrol vessel, *David Rowe* may be used in co-ordinated patrols with the flying of the drone. CO Mander clarified the information from the officers' paper about the limitation to use *David Rowe* in the night – this has not been confirmed yet, but

it is a risk which the officers feel is important to consider. The Chair reminded all that the drones would be flying according to the Civil Aviation Authority's rules. Simon Toms recommended contacting Devon and Cornwall Police for advice regarding policies surrounding the use of the drones. David Saunders offered support regarding the coding on *David Rowe* due to him being on a Coding Committee (MCA coding creates certain obligations that a vessel needs to fulfil to be able to be used in commercial environment). David Saunders also suggested that there may be restrictions in operating drones in Areas of Outstanding Natural Beauty along the coast.

In response to a question about a possibility to hire drones rather than purchasing them, CO Mander explained that it is complicated to hire this type of equipment due to restricted availability and insurance arrangements. Cllr Williams was supportive of the recommendation to purchase the drones. The Chair wished to find out how the Authority's coverage and compliance monitoring of the MPAs compared to that of the Marine Management Organisation (MMO). The Chair also was interested to find out how much of an issue is posed by the non-powered vessel using nets commercially in the District. CO Mander responded that the Non-Powered Vessels (NPVs) are a problem in the Southwest region because they are not subject to any regulations (e.g., quotas, catch limits, Minimum Conservation Reference sizes) and can land whatever they want, which is not the case for vessels which are licensed and powered by engines. There are genuine operators using a kayak etc., but it is known that some fishers are claiming to have caught fish from NPVs to avoid the restrictions applied to their licensed vessels. CO Mander explained that D&S IFCA and CIFCA have raised the threat from NPVs being used illegally with Defra and the MMO. He also explained that a meeting is planned with Defra to discuss this. Pamela Buchan asked about the privacy of others sea users. CO Mander responded to reassure all Members that, like the Southern IFCA, D&S IFCA's officers are aware of the existence of areas to avoid in order to protect the privacy of others, which will be dealt with via the introduction of drone work related policies. There were no further comments or questions.

That the Authority agrees to purchase the drones as described in this paper and detailed in the Drone Procurement Report (Information Annex A).

Proposed: Cllr Williams

Seconded: Cllr Strang

In favour: 15

Against: 0

Abstain: 0

Cllr Twiss left the meeting.

Members took a 15-minute comfort break

10. To consider the introduction of the D&S IFCA's Managing Absence Policy and Procedure (September 2024)

CO Mander introduced this Agenda Item and explained that the Managing Absence Policy and Procedure document had been prepared to consolidate and review various separate policies already in existence. It had not been discussed with the HR department (Devon County Council team which the Authority has an agreement with based on an annual retention fee), because no new content was being introduced. D&S IFCA works closely with Devon County Council when developing HR related policies but has the flexibility to implement own regulations because of being a separate organisation. The officers feel that the Members

should be aware of the operations in terms of Human Resources. Prior to the meeting, the officers met with the Chair and the Vice Chair of the Authority who felt that several points needed to be discussed with the Full Authority with a view to potentially make changes. Vice Chair Pamela Buchan shared with the Authority the three points for consideration:

- 1) In reference to illness related absences divided into long and short term in the current policy, the Chair and the Vice Chair felt that there was a need to expand the type of absences to allow for periods of short-term absences caused by a long-term illness.
- 2) In reference to the absence relating to a cancer screening, the Chair and the Vice Chair felt that it would be suitable to extend this allowance to cover for screening regarding other types of illnesses.
- 3) In reference to the absence allowance due to bereavement, the policy states that five days of paid leave are allowed. The Chair and the Vice Chair felt that the Chief Officer should be formally allowed to exercise certain level of discretion and flexibility when managing employees dealing with bereavement in the family including, for instance, unpaid leave.

Questions and comments:

Mark Day agreed on point three with the Vice Chair and highlighted the need for both flexibility on compassionate leave but also control. CO Mander highlighted the need to formalise the allowance for flexibility when managing any team members who are dealing with bereavement. There is a certain level of flexibility that CO Mander was able to exercise when dealing with a recent case of a family bereavement in the team but there is a need to formalise the processes which should be tailored to individuals. CO Mander will seek the DCC's HR team's advice regarding implementation of the above points. There were no further comments or questions.

- A) That the Authority approves the introduction of D&S IFCA's Managing Absence Policy and Procedure as set out within the Agenda Item and the accompanying Appendix B**
- B) That CO Mander will seek further advice and report back to the Authority upon the findings in reference to the items raised in discussion**

Proposed: Dr Emma Bean Seconded: Dr Pamela Buchan

In favour: 15

Against: 0

Abstain: 0

11. To note the Byelaw and Permitting Sub-Committee Report (September 2024)

CO Mander introduced the Agenda Item outlining the update as per the officer paper and welcomed questions and comments.

Felicity Sylvester wished to find out if the officers are consulting with recreational potting permit holders or only with the commercial ones who were invited to take part in the recent fishing activity surveys. CO Mander responded that recreational permit holders will be included in the call for evidence along with a broad range of stakeholders. CO Mander stated that the Authority manages certain recreational fishing activities which makes communications with this type of stakeholder easier. Felicity Sylvester requested the information in the potting report made available to the B&PSC to be shared with the Full Authority. CO Mander advised that any updates regarding the B&PSC are available to view on the D&S IFCA's website but there may be some scope for direct communications to the Members as well. Felicity Sylvester also wanted to make Members and officers aware of the Appledore Clean Innovation Centre developed by Torridge District Council which will look to support marine activities, including seaweed farms in North Devon. There were no further comments or questions.

Guy Baker left the meeting
Cllr Williams left the meeting

12. To receive a presentation on D&S IFCA's Environment work in the North of the District

The Members watched a presentation by Dr James Stewart, the Authority's Senior Environment Officer and had an opportunity to ask questions and share comments.

Date of the next meeting – 12th December 2024

End.